

Remarks

Support for claim amendments

Support for the claim amendments can be found throughout the specification and in particular as follows:

Acetylated Flt-1(1-3)-Fc - Example 3, page 39, line 21 - page 41, line 9; Example 6, page 43, line 5 - Example 10, page 49, line 20; Example 15, page 54, line 20 - page 57, line 12.

Flt-1(1-3<sub>R>N</sub>)-Fc - Example 14, page 54, line 6 - line 18; Example 15, page 54, line 20 - page 57, line 12.

Flt-1(1-3<sub>AB</sub>)-Fc - Example 11, page 49, line 22 - page 52, line 21; Example 15, page 54, line 20 - page 57, line 12.

Flt-1(2-3<sub>AB</sub>)-Fc - Example 12, page 53, line 1 - line 18; Example 15, page 54, line 20 - page 57, line 12.

Flt-1(2-3)-Fc - Example 13, page 53, line 20 - page 54, line 4; Example 15, page 54, line 20 - page 57, line 12.

Flt-1D2-VEGFR3D3-FcΔC1(a) - Example 17, especially page 62, line 1 - 64, line 22; Example 21 (b); Example 22 (b)

Flt-1D2-Flk-1D3-FcΔC1(a) - Example 17, especially page 58, line 6 - page 61, line 24; Example 18, page 65, line 1-18; Example 19, page 65, line 20- page 67, line 2; Example 21 (a); Example 22 (a)

VEGFR1R2-FcΔC1(a) - Example 20, page 67, line 4 - 17; Example 25(a); Example 29 (a); Example 35.

## Rejections

### The rejection under 35 USC §101

The Examiner has rejected claims 28 and 29 under 35 USC 101 stating that the claims recite "the use of..." which is non-statutory language. Applicants respectfully request cancellation of claims 28 and 29 and, in addition, claim 30, which also recites the non-statutory language, thus obviating the rejection under 35 USC §101.

### The rejection under 35 USC §112, second paragraph

The Examiner has rejected claims 1-30 under 35 USC §112, second paragraph, as being incomplete for omitting essential steps, such omissions amounting to gaps between the steps. Applicants have amended claims 1, 5, 9, 13, 15, 17, 19, 21, 23, and 24 to recite the omitted steps and cancelled claims 2-4, 6-8, 10-12, 14, 16, 18, 20, 22, and 28-30, thus obviating the rejection under 35 USC §112, second paragraph.

### The rejection under 35 USC §102(b)

The Examiner has rejected claims 1, 2, 5, 6, 9, 11, 13, 15, 17, 19, 21, 28 and 29 under 35 USC §102(b) as being anticipated by Kendall, et al (US Patent No. 5,712,380). Applicants have amended claims 1, 5, 9, 13, 15, 17, 19, and 21, and cancelled claims 2, 6, 11, 28 and 29, thus obviating the rejection under 35 USC §102(b).

### The first rejection under 35 USC §103(a)

The Examiner has rejected claims 3, 4, 7, 8, 10, 12, 14, 16, 18, 20, 22, 23, and 24 under 35 USC §103(a) as being unpatentable over Kendall, et al. Applicants have cancelled claims 3, 4, 7, 8, 10, 12, 14, 16, 18, 20, and 22, thus obviating the rejection of these claims under 35 USC §103(a). Applicants respectfully disagree with the rejection of claims 23 and 24 under 35 USC §103(a) for the reasons set forth below.

### The second rejection under 35 USC §103(a)

The Examiner has rejected claims 25, 26, and 27 under 35 USC §103(a) as being unpatentable over Kendall, et al. in view of Hu, et al. Applicants respectfully disagree with the rejection of claims 25, 26, and 27 under 35 USC §103(a) for the reasons set forth below.

Kendall, et al. does not disclose the VEGF antagonists recited in amended claims 23-27, thus a case of *prima facie* obviousness has not been established. Therefore, Applicants

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respectfully request that the Examiner reconsider and withdraw the rejections of claims 23-27 under 35 USC 103(a).

Response To December 19, 2002, Office Action  
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**Fees**

A response to the Office Action that was mailed by the United States Patent and Trademark Office on December 19, 2003, was due on March 19, 2003. Applicants respectfully request a three month extension of time to an including June 19, 2003. The extension of time fee is deemed to be \$930.00. Please charge this fee any additional fee deemed necessary to Deposit Account Number 18-0650.

Respectfully submitted



Linda O. Palladino  
Reg. No. 45, 636  
Patent Agent for Applicants  
Regeneron Pharmaceuticals, Inc.  
777 Old Saw Mill River Road  
Tarrytown, New York 10591  
(914) 345-7400